

To the CLERK of the COURT

12-9-19

CAN YOU PLEASE FORWARD THIS LETTER TO THE
JUDGE THAT IS REVIEWING MY FIRST STEP ACT MOTION SECTION 464
FILED 10-22-19: CASE NO 1:98-CR-0038

DEAR JUDGE. THIS IS MARK A WHITE 05671-028 AND
MY FIRST STEP ACT 464 MOTION IS CURRENTLY BEFORE YOU AND I
REALLY NEED TO SHARE A FEW THINGS WITH YOU BEFORE YOU MAKE
DECISIONS IN MY CASE AS THIS IS MY ONLY CHANCE AT FREEDOM.
I HAVE BEEN LOCK UP 22 YEARS FOR A DRUG CHARGE WITH
NO DRUGS OR A JURY DETERMINATION OF A DRUG AMOUNT.
EVEN THOUGH, THE A.U.S.A. ACCUSED US OF SELLING 5 KILOGRAMS
OF POWDER COCAINE, THIS WAS NOT THE AMOUNT THAT THE
JURY WAS INSTRUCTED TO DETERMINE OR THAT JUDGE MCKINNEY
SENTENCED ME TO. BECAUSE, ONCE YOU REVIEW MY P.S.F
YOU WILL SEE THAT THE PROBATION OFFICE GAVE ME 1.5 KILOGRAM
OF COCAINE BASE AND 350 KILOGRAMS OF POWDER COCAINE.
SO AT SENTENCING ON PAGE 28, YOU WILL SEE THAT JUDGE MCKINNEY
SENTENCED FOR 5 OR 6 KILOGRAMS OF CRACK AND THE ENTIRE 350
KILOGRAMS OF POWDER THAT THE ENTIRE CONSPIRACY WAS HELD FOR.
HOWEVER, MY JURY WAS ONLY INSTRUCTED TO FIND A MEASURABLE AMOUNT
SO "JUDGE HARRY D. LEINENWEBER" OPINION IS VERY IMPORTANT HERE.

1. UNITED STATES V EDWARDS 2019 U.S. DIST. LEXIS (8-8-19) 146571
2. UNITED STATES V SEDGWICK JOHNSON 2019 DIST. LEXIS 104935
3. UNITED STATES V PRIDE 2019 U.S. DIST. LEXIS 97768.

"MY LIFE AND LIBERTY IS IN YOUR HANDS. SO PLEASE HAVE MERCY?"
"JUDGE LEINENWEBER STATES" "THE DISTRICT COURT COMMITTED
ERROR BY NOT TELLING THE JURY TO DETERMINE THE KIND AND
QUANTITY OF DRUGS THAT WAS DISTRIBUTED WHICH WERE
RELEVANT TO THE STATUTORY MAXIMUM PENALTIES FACED IN COUNT
ONE, AND SINCE THE JURY WAS NOT INSTRUCTED THAT IT NEED
NOT FIND NO SPECIFIC WEIGHT THEN, THE MAXIMUM IS 20 YEARS
21 U.S.C. 841. THOSE SAME PENALTY STRUCTURES APPLY TO A CONSPIRACY
OFFENSE. 21 U.S.C. 846. "WHICH ME MARK WHITE" ASSERTS THAT
THE FAIR SENTENCING ACT MODIFIED THE STATUTORY ~~PER~~ PENALTY
FOR THIS VIOLATION, RENDERING THIS OFFENSE A COVERED OFFENSE
UNDER THE FIRST STEP ACT.

"Which Judge Leinenweber states"

The court concurs with the growing number of district courts that have rejected the government's position, and under Alleyne, the government cannot rely on a drug quantity that the Probation office included in the P.S.R. when that drug quantity differed dramatically from the quantity found by the jury, and to hold "the defendant" to a higher statutory here, where the jury did not find beyond a ~~any~~ reasonable doubt, that Edwards was accountable for 1.5 kilograms of crack. "Just as I Mark White was not by a jury" let alone any amount of crack cocaine. And since no such amount was specified in the jury verdict, "Judge Leinenweber states" the court cannot hold Edwards to a higher penalty. "Just like I Mark White is asking you to do judge, 'meaning' do not hold me to a higher standard. "Also Judge Leinenweber states" that the Seventh Circuit appears to agree as it previously held that in light of Apprendi that the sentencing court committed error by not telling the jury to determine the kind and quantity of drugs. So the relevance of Apprendi in the present context is clear. "Meaning" any mistake this court made in instructing the jury is one it must bear for present purposes United States v. Price No. 1:07 CR 20, 2019 U.S. Dist. Lexis 97768 WL 2435684 At 4. "Finding that the court could not rely on the drug weight found in the P.S.R. in light of Apprendi and Alleyne." So I'm asking you as a child of God, to please send me home for Christmas, as I am a first time non-violent offender who has completed the victim of impact course, the inside and out Prison exchange program, and drug education and many other classes over my 22 years in prison. Also during my last attempt under 782 Amendment, Judge ~~Price~~ McKinney stated that, due to the amount of cocaine and cocaine base involved in my case that White's guideline range was not lowered, just as Judge Leinenweber did to William Edwards and Johnny Jackson.

"Which Judge Leinenweber states"

The court concurs with the growing number of district courts that have rejected the government's position, and under *Alleyne*, the government cannot rely on a drug quantity that the Probation office included in the P.S.R. when that drug quantity differed dramatically from the quantity found by the jury. And to hold "the defendant" to a higher statutory here, where the jury did not find beyond a ~~reasonable~~ reasonable doubt, that Edwards was accountable for 1.5 kilograms of crack. "Just as I Mark White was not by a jury" let alone any amount of crack cocaine. And since no such amount was specified in the jury verdict, "Judge Leinenweber states" the court cannot hold Edwards to a higher penalty. "Just like I Mark White is asking you to do judge, 'meaning' do not hold me to a higher standard." Also Judge Leinenweber states "that the seventh circuit appears to agree as it previously held that in light of *Apprendi* that the sentencing court committed error by not telling the jury to determine the kind and quantity of drugs. So the relevance of *Apprendi* in the present context is clear. "meaning" any mistake this court made in instructing the jury is one it must bear for present purposes *United States v. Price* No. 1:07-cr-20, 2019 US Dist Lexis 97768 WL 2435684 at 4. "finding that the court could not rely on the drug weight found in the P.S.R. in light of *Apprendi* and *Alleyne*. So I'm asking you as a child of God, to please send me home for Christmas, as I am a first time non-violent offender who has completed the victim of impact course, the inside and out prison exchange program, and drug education and many other classes over my 22 years in prison. Also during my last attempt under 782 Amendment, Judge ~~McKinney~~ McKinney stated that, due to the amount of cocaine and cocaine base involved in my case that White's guideline range was not lowered, just as Judge Leinenweber did to William Edwards and Johnny Jackson

BUT SINCE THE JURY WAS NOT INSTRUCTED TO DETERMINE
 A DRUG AMOUNT AND BOTH OF THOSE DEFENDANTS WERE
 ENHANCED AND SENTENCED FOR CRACK COCAINE OR
 COCAINE BASE. JUST AS I MARK A. WHITE WAS
 I ASK THAT YOU PLEASE GRANT ME IMMEDIATE RELEASE
 AND A SECOND CHANCE AT LIFE. SINCE MY DAUGHTER
 ANDREA BRITLY WAS 4 YEARS OLD WHEN I LEFT AND
 HAVE NO MEMORY OF ME OUTSIDE THESE WALLS
 AND MY GRANDSON IS 5 YEARS OLD WHO HAS NEVER
 SEEN ME OUTSIDE OF PRISON AND I HAVE NEICES
 AND NEPHEWS RANGING FROM 21 TO 1 YEARS OLD WHO
 HAS NEVER ~~SEE~~ SEEN ME OUTSIDE OF PRISON AND
 MY OATH AND RIGHT HAND TO GOD THAT I WILL
 NOT COMMIT ANOTHER CRIME AS I HAVE LEARNED
 MY LESSON, I PROMISE TO GOD. AS THE BOOK
 OF JAMES 5:12 SAY THAT I SHOULD NOT SWEAR.
 SO PLEASE HAVE MERCY ON ME AND GRANT
 MY FAMILY A SECOND CHANCE WITH ME AND
 A CHRISTMAS TO ALWAYS REMEMBER. MAY THE
 SPIRIT OF GOD WORK AND REST IN YOUR HEART.

Sincerely
 Mark A. White
 12-9-19

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DEAR GOD, I KNOW THAT YOU CAN DO IT WITHOUT ME.
 BUT I CANNOT DO IT WITHOUT YOU. SO I TRUST AND
 BELIEVE IN YOU GOD AND I WILL ALWAYS DEPEND
 ON YOU GOD. SO JUDGE PLEASE HAVE MERCY ON
 ME AND MY FAMILY IN JESUS NAME I PRAY.
 M.A. White